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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIPLING APPAREL CORP.; NAUTICA APPAREL, INC. and TBL LICENSING LLC,

Plaintiffs,

-v-

WENBEN RHYS; XINQIAN RHYS; DAN RHYS; LUDWIG RHYS; LANNY CHEN; BEI LING; JOHN AND JANE DOES; and XYZ COMPANIES

Defendants.

No. 16-cv-990 (RJS)
PRELIMINARY INJUNCTION

RICHARD J. SULLIVAN, District Judge:

On February 10, 2016, the Court issued a temporary restraining order against Defendants and scheduled a hearing for February 24, 2016 for Defendants to show cause as to why the Court should not issue a preliminary injunction against Defendants pending resolution of this action. (Doc. No. 17.) On February 12, 2016, the Court amended the temporary restraining order to clarify the obligations of third parties under the order. (Doc. No. 18.) Plaintiffs served Defendants with the Court's February 12, 2016 amended temporary restraining order and the Complaint on February 17, 2016 and filed affidavits of service on ECF. (Doc. Nos. 10 & 11.) The amended temporary restraining order required Defendants to respond to Plaintiff's motion for a preliminary injunction by February 19, 2016. It also gave notice to Defendants that "failure to attend the hearing scheduled herein may result in the immediate issuance of the prayed-for Preliminary Injunction to take effect immediately upon expiration or dissolution of the within Temporary Restraining Order, and shall otherwise extend for the pendency of this litigation relief upon the same terms and conditions as comprise this Temporary Restraining Order." (Doc. No. 18.)

Finally, the Order further noted that Defendants are "deemed to have actual notice of the issuance and terms of such Preliminary Injunction and any act by them or any one of them in violation of any of the terms thereof may be considered and prosecuted as contempt of this Court." (*Id.*) Defendants have not complied with any of the Court's orders. Specifically, no Defendant has filed a notice of appearance in this case, nor submitted any other filing with the Court. Earlier today, the Court held a hearing on Plaintiffs' order to show cause for a preliminary injunction. Defendants did not appear at the hearing.

Based on Defendants' failure to comply with all of the Court's orders in this matter and their failure to appear at today's hearing, the Court finds that it is appropriate and necessary to issue a preliminary injunction. Accordingly, IT IS HEREBY ORDERED THAT the amended temporary restraining order issued on February 12, 2016 shall be converted to a preliminary injunction that includes all the same terms listed in that Order.

SO ORDERED.

Dated: February 24, 2016
New York, New York

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE